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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/018,888 | 12/26/2001 | Shouji Fujino | HAKODA=1 | 8172 |
| 1444 | 7590 | 08/05/2005 | EXAMINER | |
| BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | POPHAM, JEFFREY D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2137 | |

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,888

Applicant(s)

FUJINO ET AL.

Examiner

Jeffrey D. Popham

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020325.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Remarks

Claims 1 and 2 are pending.

Drawings

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "20" and "21" have both been used to designate the frequency inversion/non-inversion change-over switch. Reference 21 is used in the specification at page 7, line 24 and reference 20 is used in figure 1, both referring to the same change-over switch.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder (U.S. Patent 5,278,907) in view of HC05 (Motorola, "HC05, MC68HC705C8A, MC68HSC705C8A, HCMOS Microcontroller Unit, Technical Data", 1999, Revision 2.0, pp. 27-29, obtained from <http://www.midondesign.com/Documents/68HC705C8AMD.pdf>).

Regarding Claim 1,

Snyder discloses a cryptographic apparatus in a radio communication system for having an audio signal subjected to a frequency spectrum inversion process, wherein:

The audio signal is transmitted through a radio communication network linked to the radio communication system (Column 3, lines 35-40),

The cryptographic apparatus comprising a transmitter circuit (Column 4, lines 23-65; and Figure 1) and a receiver circuit (Column 4, line 66 to Column 5, line 31; and Figure 2),

Wherein the transmitter circuit is constructed of:

A transmitter-side frequency spectrum inversion/non-inversion circuit including a frequency spectrum inversion circuit (Column 4, lines 23-65);

A CPU for generating a control signal (Column 4, lines 33-47);

A transmitter-side frequency spectrum inversion/non-inversion change-over switch (Column 4, lines 48-55); and

A frequency generator (Column 4, lines 33-47),

Wherein the receiver circuit is constructed of:

A receiver-side frequency spectrum inversion/non-inversion circuit including a frequency spectrum inversion circuit (Column 4, line 66 to Column 5, line 31);

A receiver-side frequency spectrum inversion/non-inversion change-over switch (Column 5, lines 5-8);

The CPU for generating the control signal, the CPU being used also in the transmitter circuit (Column 5, lines 13-31); and

A frequency generator (Column 5, lines 13-22)

But does not disclose that the frequency generators of the transmitter and receiver circuits are oscillators.

HC05, however, discloses that a MC68HC705C8 microcontroller contains oscillators (Pages 27-29, Section 1.7.2). It

Art Unit: 2137

would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the microcontroller of HC05 into the radio telephone scrambling system of Snyder because Snyder discloses use of this particular microcontroller within his system (Snyder, Column 4, lines 33-36).

Regarding Claim 2,

Snyder discloses that the audio signal is transmitted in a first condition in which the audio signal has been subjected to the frequency spectrum inversion process, and also transmitted in a second condition in which the audio signal is free from the frequency spectrum inversion process, wherein transmission of the audio signal is performed alternately in the first and the second condition in precisely timed sequence (Column 5, lines 54-66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER